

Message Text

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ACTION AF-10

INFO OCT-01 IO-13 ISO-00 HA-05 SY-05 MCT-01 COME-00
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R 161500Z MAR 78
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 735
INF AMCONSUL CAPE TOWN
AMCONSUL DURBAN
USMISSION GENEVA
AMCONSUL JOHANNESBURG
:USMISSION USUN NEW YORK 2545

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, PINS, SHUM, SF
SUBJECT: PAC TERRORISM TRIAL: SAG OPPOSITION TO USG PRESENCE

REF: PRETORIA 1352 AND PREVIOUS

1. EMBOFF, ACCOMPANIED BY FIRST SECRETARY OF SWEDISH LEGATION, TRAVELED TO BETHAL ON MARCH 16 TO OBSERVE PAN AFRICANIST CONGRESS (PAC) TERRORISM ACT TRIAL PROCEEDINGS IN CIRCUIT COURT. PRIOR TO SESSION, EMBOFFS CONFERRED WITH DEFENSE ADVOCATE HARRY PITMAN AND NEW MEMBER OF DEFENSE TEAM, ADVOCATE WILFRED COOPER OF CAPE TOWN. COOPER INTRODUCED USG AND SWEEDISH EMBOFFS TO DEPUTY ATTORNEY-GENERAL HAUSBROEK WHO ASKED HOW LONG THEY HAD BEEN IN SOUTH AFRICA AND APPEARED SURPRISED AND ILL AT EASE WHEN TOLD TWO AND FOUR YEARS RESPECTIVELY.

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2. AT BEGINNING OF MORNING SESSION, COOPER MADE AN APPLICATION TO JUSTICE CURLEWIS TO ADMIT THE DIPLOMATIC OBSERVERS. (COURT HAD PREVIOUSLY GRANTED STATE APPLICATION FOR "IN CAMERA" SESSION TO PROTECT THE IDENTITIES OF STATE WITNESSES. APPLICATION PROVIDED FOR THE ADMISSION OF JOURNALISTS UNDER A STIPULATION THAT THEY EX-

CLUDE ALL NAMES OF WITNESSES FROM PRESS REPORTS.)
HAUSBROEK OPPOSED USG AND SWEDISH DIPLOMATIC PRESENC
AND ARGUED OVER APPLICATION WITH COOPER FOR 45 MINUTES
WHILE EMBOFFS WAITED IN OUTSIDE CORRIDOR. EMBOFFS OVER-
HEARD PORTION OF DEBATE WHICH SEEMED INTENSE AND HEATED.
USG EMBOFF HEARD COOPER TELL COURT THAT "JUSTICE
MUST NOT ONLY DONE, BUT MUST BE SEEN TO BE DONE.
PITMAN LATER LEFT COURT AND INFORMED EMBOFFS THAT
COOPER AND HAUSBROEK HAD VIGOROUS CLASH OVER APPLICATION
FOR ADMITTANCE OF DIPLOMATIC OBSERVERS. ACCORDING TO
PITMAN, COOPER TOLD COURT THAT THE BARRING OF ACCREDITED
DIPLOMATIC OBSERVERS WOULD BE A GROSS VIOLATION OF THE
TRADITIONALLY OPEN SOUTH AFRICAN JUDICIAL SYSTEM. JUSTICE
CURLEWIS RESERVED JUDGMENT UNTIL 1200, MARCH 20.

3. COMMENT: SAG DECISION TO INITIALLY OPPOSE DIPLOMATIC
PRESENCE APPARENTLY GAVE DEFENSE LAWYERS OPPORTUNITY TO
UNDERScore INTERNATIONAL IMPLICATIONS OF PAC CASE AND
COMMENT ON CURRENT STATE OF SOUTH AFRICAN SYSTEM OF
JUSTICE. FINAL DECISION WILL PROBABLY BE MADE IN
PRETORIA BY ATTORNEY-GENERAL'S OFFICE IN CONJUNCTION
WITH SECURITY POLICE.
BOWDLER

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